

## Delta Plan Development

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**Summary:** Continue review and discussion of the Third Staff Draft Delta Plan from the April 28-29 meeting. A summary of comments received in the past month are in the Comment Matrix.

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### **Background**

At the April 28-29 meeting, the Council reviewed the first five chapters of the third staff draft Delta Plan and continued discussion of the remaining chapters to the May 12-13 meeting.

The first staff draft included various findings about the Delta based on science, government reports, and other information. The findings were statements about the Delta ecosystem, water supply reliability, flood risk, and other issues relevant to the Delta Plan. These findings have since been evaluated by the Delta Independent Science Board (ISB) which submitted a helpful critique to Council staff for how the Plan might better be organized and strengthened.

The second staff draft focused on introducing a range of proposed regulations and recommendations for discussion and for the Council's consideration. These regulations and recommendations were intended to address the problems identified in the findings from the first draft. Because the findings were being revised in accordance with Delta ISB input, these did not appear in the second draft.

In this third staff draft we reconnect the revised findings and regulations and recommendations. Following the recommendations of the Delta ISB we have reformatted the findings into clear problem statements. Each problem statement has associated draft regulations or recommendations. The intent is to establish the logic and reasoning behind how each draft regulation relates to the stated problem. This improves the readability of the document, as well as the clarity of what we're trying to achieve in the Delta Plan.

A finance plan framework is included in the third staff draft, but not a complete accounting of dollar needs and recommended sources and strategies. Staff will continue to refine the finance section of the Plan.

Continuing Council direction and public comment will help shape the fourth staff draft, which is scheduled to be released in mid-May. Council direction will be especially critical in the development of the fourth draft. The Council will be asked to make further revisions and approve circulation of what will become the fifth staff draft Delta Plan together with the draft Environmental Impact Report (DEIR). This will begin a 45 day public comment period on the DEIR, anticipated from June 30 to August 14, 2011.

A public hearing on the DEIR will be held as part of the Council's July meeting. At the conclusion of the public comment period, the Council will consider the public comments and review another draft at the August meeting. On September 15, if the Council has not altered the draft Delta Plan in a manner that requires recirculation of the EIR under CEQA, it will direct staff to submit that draft of the Delta Plan to the Office of Administrative Law (OAL) along with related materials as part of the State rulemaking process. The OAL will publish a notice of the proposed Delta Plan adoption at least 45 days prior to the Council's final review of the Delta Plan and of the comments on that Plan.

At its November 17 and 18, 2011, meeting, the Council will consider the final EIR for certification. At this time, the Council will also consider the final Delta Plan for adoption.

If the Council certifies the EIR and adopts the Delta Plan, staff will submit the Plan to OAL for review, which must be completed within 30 working days of submission. If OAL approves the Delta Plan, or fails to act within 30 working days, it will be deemed to have been approved and OAL will submit it to the Secretary of State for filing. The Delta Plan will become effective 30 days after that filing.

### **List of Attachments**

Attachment 1: Third Staff Draft Delta Plan

Attachment 2: Comment Matrix for Comments Received on Third Staff Draft from  
April 22, 2011 through May 9, 2011

### **Contact**

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